THE PROPER ORGANIZATION AND PROCEDURE OF A MUNICIPAL COURT

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Dissatisfaction with the Administration of Justice

Public attention has never been attracted to the subject of law reform in the United States as universally as it is at the present time. In the States and in the large cities of the country especially, there is more or less dissatisfaction with the manner in which justice is administered. This dissatisfaction grows out of a failure to secure expedition and thoroughness in the enforcement of public and private rights in our courts, and as President Taft has said, may be summed up in the words, "Undue delay."

The causes of this undue delay in the expedition of business in our courts in the last analysis will be found to be due to: (a) multiplicity of courts, each with a different or overlapping jurisdiction; (b) a lack of organization of the courts into a related system; (c) defects in practice and procedure; (d) the personnel of the bench, and it might be well to add; (e) the personnel of the bar.

Of the above causes the one most frequently pointed out, and as to which most remedies have been suggested, relate to defects in practice and procedure. While the necessity for procedural reform has been urgent in most jurisdictions, there are other problems connected with the administration of justice which need first to be solved. The courts must be organized in order that there may be organization of judicial business. The most important proposal that can be made for the improvement of the administration of justice in the different states and in the large cities especially, is that the court system should be organized into a coördinate machine. When all of our courts are organized into a unified system, and as courts of record, it will become next in importance to regard with care the personnel of the bench, to improve which it will be necessary to change the method

of selection of candidates for the judicial office, to extend the tenure of office of the judges and to increase their compensation. When we have attended to these matters it will then be timely to make a through-going reform in our court procedure.

A great measure of the modern dissatisfaction with our courts of law arises out of the mistaken idea, still pervading their organization, that the principles of administrative law are as sacred and bound to the dogmas of the past as are the fundamental principles of right and justice.

Note the backwardness in the development of administrative law as compared with other scientific progress. As soon as a modern scientific invention is found useless it is discarded to make way for a later and more useful improvement. Changes of the law are so slow that improper and useless principles fasten themselves upon our institutions and become difficult to dislodge. Lawyers and judges learn ways of doing things, decisions of courts are multiplied construing enactments, so that it is not until great and positive abuses multiply that such enactments can be discarded.

Business men complain of the long delays in the disposition of civil business in the courts; the public as a whole demand greater expedition and certainty in the enforcement of the criminal law while lawyers, judges and legislators—the latter influenced by the former —resist such reforms as best they can. When forced to act they go no further than necessary to placate temporarily.

Our legislators have not heretofore taken up the subject of law reform in a thorough-going manner, but have sought to relieve conditions by sporadic amendments of statutes on procedure and the occasional creation of a new court—new only in name. Such methods of reform are illustrated in my own state where the legislature sought to allay dissatisfaction with the administration of justice that appeared from time to time, by creating new courts with new names, to take the place of the old, with little difference in organization, jurisdiction or procedure.

The people of Chicago since its incorporation in the year 1837, have had *four* city courts and *six* courts of the county. There was no practical difference in the organization amd jurisdiction of these courts. They merely differed in name. The superior and circuit courts of Cook County are practically branches of the same court, having precisely the same jurisdiction. True, there is this difference —it is necessary to have a clerk for each court, and under the law

as amended last year, the salary of each clerk was increased to $9,000 per annum. Double the number of sheriff's deputies are required that would be necessary if the courts were combined. According to an immemorial usage the process of the circuit court is on white paper, while that of the superior court is on yellow, otherwise the functions of the two courts are identical.

Justices of the peace, those barnacles of jurisprudence that have been the bane of many a community, existed for many years until the city was relieved of them in 1908, when the municipal court of Chicago was established.

The circuit, superior, county, probate and criminal courts in Chicago were firmly entrenched by the constitution of 1870, and it is now impossible, without a constitution amendment to further change them, even in name. These changes doubtless were made to satisfy a recurring public demand for reform in the administration of justice, but through them no substantial reform was effected in organization, administration or procedure. Lawyer-legislators, wedded to the defects of the common law, saw to that.

No progress was made in expediting the administration of justice by changing the names and the jurisdiction of these courts.

At the present time in the State of Illinois (and for Illinois might be substituted almost any State in the Union) a large number of unrelated courts exist, such as the supreme court, the appellate courts, 4 intermediate courts of review, 67 circuit courts, 105 county courts, 18 city courts, 7 probate courts and the justices of the peace outside of Chicago to the number of 3300.

No accurate statistics of the volume of litigation conducted in all of these courts in the State of Illinois are available. Each court has been a separate court, and judicial statistics have not been kept. Inquiries of the clerks of the various courts of the State made by me two years ago brought answers that disclosed the fact that there are about 40,000 cases, common law, chancery and criminal, brought annually in the State of Illinois, exclusive of the cases brought before justices of the peace. In the circuit, superior, criminal and county courts of Cook County, in which the city of Chicago is situated, approximately 20,000 cases are brought annually. In the municipal court of Chicago there are brought annually 136,000 cases of which about 40,000 are of the same general class as brought in the circuit and county courts of the State. To this volume of litigation must be added that brought before the justices of the peace of the state

outside of Cook County. Each court in the different districts, counties and cities, has its own organization, independent of that of any of the others.

A mere statement of these facts suggests that this multiplicity of courts and officials is unnecessary. The first proposal, therefore, for the improvement in the administration of justice in most of our States that would seem desirable is the organization of our courts into a coördinate machine. The American Bar Association has recognized that the judicial power of the State ought to be vested in one great court of which all tribunals should be branches, departments and divisions. Considerable time must elapse before this recommendation of the American Bar Association can be adopted. In the meantime the courts of the large cities of the country must be reorganized. As a first step, the offices of justices of the peace and constable should be abolished wherever they exist.

The justices of the peace and constables came to us as they came to this country—with our adoption of the English system of jurisprudence in minor cases. Indeed, in antiquity the office of constable vies with that of king. The office of justice of the peace was created by a statute in the reign of Edward III in order to stop brigandage, which still flourished in England. It was a common practice for robbers to seize persons and hold them for ransom. As a reversal the offices of justice of the peace and constable were abolished in Chicago.

The system of jurisprudence for minor cases as represented by these officials, while often satisfactory in rural districts has been found generally unsatisfactory in large cities of the country. The rapid growth of the cities in the United States has presented many problems of administration. In the matter of public improvement, the population has grown so rapidly that we have constructed them for temporary purposes only, to keep pace with the needs of the population, and it is not surprising that reforms in the administration of the law, always slow of accomplishment, should have waited so long. The abuses which led to the abolishment of justices of the peace and constables in the city of Chicago are common in the great cities of the country where these officials are maintained. Capable judges are demanded for cases involving small sums of money as well as larger sums. The justice of the peace system originated when there were no such means of communication as there are at the present time. Under present conditions of travel,

and especially in the city, it will be no hardship to bring the smaller cases to trial at central points. Nearly half of the cases tried before justices of the peace in the State of Illinois are appealed to the Circuit Court for a re-trial. One trial of petit cases involving sums of less than $500 should be sufficient and will be if judges of the approved ability are chosen.

ORGANIZATION OF A MUNICIPAL COURT

In framing legislation for a municipal court it is well to keep in mind that the court is not an adjunct to the city administration.

"A municipal court is a State agency for the administration of justice within the territorial limits of a city. It is to a large extent separate and distinct from the other branches of the city government. While such court in a general sense is a part of the government of the city wherein it sits, it is not so in precisely the same sense as are the executive and legislative agencies of the city government." It is also important that the jurisdiction of a municipal court should be exercised by branch courts, each of which should exercise all the powers vested in the court.

Another important feature of the law creating a municipal court should be that which gives the judges wide power in the management of the court on its purely administrative side. They should have extensive powers to prescribe all rules and regulations for the proper administration of justice as to them may seem expedient, including rules and regulations of practice and procedure. In most of the nisi prius courts of the country the judges are subject to numerous rules of practice prescribed by the legislature. A failure to comply with these rules renders a judgment subject to reversal by a higher court, regardless of the correctness or incorrectness of the decision of the court upon the merits.

Pleading and practice were orginally the work of the courts. The legislature should never have attempted to take them over and adjust their minute details. Judges capable of deciding matters of substantive law ought to be entrusted with wide discretion in working out the details of adjective law.

On its administrative side the judges of a municipal court should have power to fix the number and salaries of the deputy clerks and bailiffs; they should have general supervision of the offices of the clerk and bailiff; they should have power to pass rules and regulations gov-

erning these offices, and should have power to remove deputy clerks and deputy bailiffs with or without cause by entering a proper order. They should act as one body in adopting and considering rules for the purpose of effectively administering justice. Such a court should be presided over by one of their number who should have powers in addition to the other powers of a judge of such court. He should be elected by the people and not by the body of judges. He should be charged with the general superintendence of the business of the court; preside at all the meetings of the judges; assign the judges to duty in the various branches of the court from time to time. He should superintend the preparation of calendars of cases for trial in the said court, and make such classification, and distribution of the same upon the different calendars as he deems proper and expedient. He should determine when each judge shall take his vacation. He should have the power to create a new branch court at any place within the city by merely signing an order to that effect. The facility with which a new branch court of domestic relations was established in Chicago will serve as an illustration. It required merely an order of the chief justice designating the branch court and an assignment of a judge thereto, with slight changes of the rules to institute the court. To accomplish the same result New York City was obliged to secure legislation from the State legislature.

The creation of such an office with its dual duties, administrative and judicial, will enable the public to locate the responsibility for failure of the court to meet the object of its creation, and few things can go wrong in the administration of a court so organized without this official being accountable for it. In large cities of the country the expenditures incident to the maintenance of such court and the receipts thereof by reason of the large volume of business will be considerable.

The receipts of the Chicago municipal court for the year 1910 were $795,000 and its expenditures $756,000. An institution with such large expenditures and receipts requires an executive head.

A troublesome question in the organization of courts is whether judges should always sit in those branches where business in which they are specialists is disposed of. In the municipal court of Chicago it has been found convenient and satisfactory to the bench and bar for one judge, specially trained in certain branches of commercial law, to sit most continually in the branch of the court where special statutory actions, such as cases in attachments, garnishment and replevin, are disposed of.

A larger share of criminal work has often fallen to particular judges especially adapted to that class of work, and those whose specialty has been more in civil work have sat in the civil branches, but nevertheless there has been a measure of rotation among all the judges.

One of the irksome things about a judicial position is the sameness of the work from day to day. The constant hearing of cases of very much the same character may make the judge specially trained as to the law applicable to such cases, but he will feel the mental wear sooner and not be able to handle the business with the same grasp as if there were frequent rotation among the judges, not only as regards classes of business before the particular branches, but also as respects the character of litigants and attorneys appearing before the court.

Change of scene and surroundings has usually been found quite acceptable to the judges, which more than compensates for the labor of fitting themselves in the several branches of the law. This is found especially true in criminal cases, where several months of exacting grind and nervous strain makes the judge desire a change.

Presiding one year over a branch of court in which quasi-criminal cases are tried would make judges out of many jurists and enable them to better adjudicate causes of a graver nature.

The committee appointed by the National Conference on Criminal Law and Criminology held in Chicago in 1909, after having spent four months in England attending the sessions of the courts there, reported that "the English people do not regard with favor the idea of a judge having jurisdiction only in criminal cases and whose whole time is taken up in this kind of work. . . . . Experience has shown that men who try criminal cases only are apt to lean too strongly toward or against the prisoner."

The judges should be required to meet each month except during vacation, for the purpose of considering such matters as may be brought before them pertaining to the administration of justice in the courts. At such meetings they should receive and investigate all complaints presented to them pertaining to the court and to the officers thereof, including judges, clerks, bailiffs and police officers.

The police officers of a large city should be ex-officio bailiffs of the municipal court and should serve process in all criminal and quasi-criminal cases. The court will then have the power to regulate the conduct of police officers in their relations to the court.

The judges of the municipal court of Chicago who have these powers, have had occasion to exercise them within the last four years in reference to officials of every department of the court. They have discharged clerks and bailiffs for malfeasance in office; and regulated the service of warrants by police officers. The police department had a rule reading as follows:

Patrolmen, except those detailed at the detective bureau, shall not execute a warrant of arrest or a search warrant without the consent of their commanding officers, unless such warrant is endorsed by the General Superintendent or the commanding officer of the detective bureau.

Manifestly this rule was in conflict with the law. Warrants were under this rule, sometimes not served or returned according to directions to superior officers, and the responsibility for failure to serve or return was not placed upon the individual officer. On one occasion a former chief of police and chief of detectives, following this rule of the police department, undertook to determine that certain search warrants calling for gambling devices should not be served, on the ground that the articles mentioned were not gambling devices, and through the law department of the city the court made it clear that the warrants were the court's process; that the officers were the officers of the court, and that a failure to serve the warrants would bring the officials in question into contempt of court and that imprisonment would follow, as a consequence of such contempt.

A warrant record was thereupon established by the judges of the court and made, by general order of the court, a public record, which it is a highly penal offense to alter, falsify or in any way to deface. Warrants are required to be returned to the court with complete returns thereon, signed by the officers making them, showingthe dates of receipt and return. Protection and favoritism through the non-service of warrants issued by the court or by means of incomplete or incorrect returns is therefore made difficult, without subjecting the officer responsible therefor to the risk of exposure and punishment.

This court under the law was obliged to regulate the conduct of one of its own members who had, according to the findings of a committee of the judges appointed to investigate his judicial acts, imprisoned persons in the county jail without bail; who had in the first instance tried offenders and found them not guilty, and at subsequent dates changed this finding and found them guilty on the same charge and in

the same case; who had found defendants guilty upon trial and at subsequent dates had sentenced them a second, and in some cases a third time, and to pay even heavier fines for the same offense, on the same complaint, and in the same case; and who had assumed, in addition to the judicial powers, the power of the legislature to make new laws and the power of the executive to pardon offenders, to grant reprieves and to commute the sentence of those guilty of violations of the law.

The committee of judges reported back to the full body of the court, the judge whose actions were questioned by his brethren was heard in his own behalf, and on recommendation of all judges of the court present and voting, he was removed by the chief justice from the trial of criminal causes altogether. In no other court of this country could these results have been effected except by impeachment proceedings brought before the legislature.

In case a scheme for more uniform courts is adopted, it becomes highly important to provide some method that will bring capable judges to the bench of such a court. In the large centres of population bar associations should have the right to place in nomination for judges on the official ballot the names of candidates to be voted for. The fact that a name appears among the list nominated by the bar association should not prevent the placing of the same name upon the ballot of any political party. In counties of 50,000 population or less it is not so necessary that the bar associations should act as in the larger cities. The people in the smaller counties are generally familiar with the ability, qualifications and character of the candidates for judicial office, most of whom are known personally to the members of the bar and to a majority of the inhabitants of the county. Not so in the larger cities. Here the public need the guidance of the collective opinion of the lawyers.

The endorsement of a bar association, of right, should carry great weight. I asked a lawyer of Winnipeg how the principal judge of Winnipeg was selected. "Oh," he replied, "he is appointed by the king." I asked if he was satisfactory to the bar, whereupon I was told that the bar association of Winnipeg had recommended the candidate that was appointed. No doubt he was satisfactory to the bar and to the people, even though he was appointed by the king thousands of miles away!

Bar associations should do more than recommend candidates. They should vigorously oppose the unworthy by making the people

acquainted with their demerits. The tenure of office of a judge should be long enough so that capable men can leave their practice and stand for the office with the assurance that if elected they will hold office for a sufficient length of time to warrant them in making the change from private practice. The public is quick to appreciate the value of experience on the bench and will generally retain a capable and high minded official, especially when the judicial elections are held separate from general elections for other public offices. The term ought not to be so long, however, that the judge becomes forgetful of the fact that he must render an account to the electors in what manner he has served them. The personnel of the Bar has much to do with the success of the court in dispatching its business accurately and expeditiously. A high standard of educational qualification, and of character as men must be insisted upon for the lawyers, if these officers of the court shall be fitting assistants in the administration of justice.

JURISDICTION

As a part of the judicial machinery of the state a municipal court in a large city should have general jurisdiction in both civil and criminal cases. In the courts so far organized in our cities there has been a tendency to limit the civil jurisdiction to cases involving sums not over one thousand dollars, and the criminal jurisdiction to preliminary hearings on charges of felony and misdemeanor, and they are generally given summary jurisdiction in cases of violations of laws or ordinances not classed either as felonies or misdemeanors.

The administration of criminal justice in a large city is certainly one of the principal functions of a court created especially for its needs. The prompt punishment and suppression of crime is essential to the welfare of its law-abiding inhabitants. A municipal court should therefore have the widest jurisdiction in criminal cases. If the municipal judge sits as an examining magistrate with only power to bind over to the grand jury, the grand jury will sit in review, often without having before it the evidence heard in the municipal court. Indeed, in Chicago a grand jury "no-billed" 68 cases sent to it by 13 different judges of the municipal court, and heard only 81 witnesses, while the judges of the court binding over had heard 300 in the same cases. This procedure involved a duplication of work, annoyance to the prosecuting witnesses, extra expense to the tax-payers, and

brings about long delays in the very class of cases in which expedition counts for so much in the proper administration of justice.

A municipal court should have the right to hear all criminal cases, felonies and misdemeanors, by information and without the intervention of a grand jury.

The presenting of an indictment by a grand jury is a mere matter of practice and procedure. The supreme court of the United States has held that proceeding by information in a criminal case is not opposed to any of the definitions of the phrase "due process of law," but is a proceeding as strictly within such definitions as is a proceeding by indictment, and that a proceeding by information takes from a defendant no immunity or protection to which he is entitled under the law. It would be a proper provision to provide that in the municipal court the trial of the accused on information should not take place until there has been a preliminary examination. Such is the practice in California. It might be wise, also, to provide that the trial of the accused should be before another judge than the one before whom the preliminary examination has taken place. With such jurisdiction in the municipal courts of our cities the administration of the criminal law will be expedited as speedily as it is in England.

It is not so necessary that a municipal court should have wide civil jurisdiction. That will depend upon the requirements of the particular community. The municipal court of Chicago was originally given wide jurisdiction in both civil and criminal cases.

Generally it is best to give the court wide civil jurisdiction, for in that case the community can afford to employ capable judges, while on the other hand, with a limited and minor jurisdiction, less capable judges will be selected, and an inferior court, in personnel as well as in jurisdiction, will result.

PLEADINGS

The pleadings in a municipal court, especially in view of the volume of business brought to such court,should be as simple as possible. President Taft has advocated the appointment of a commission to reform procedure in the federal courts,and similar commissions in the state courts are at work in Massachusetts, New York, and other states. The judges of the municipal court of Chicago have acted along the same lines under the express powers conferred upon them, and have abolished technical common law pleadings in all cases, and substituted in lieu thereof simple and straight-forward statements of

claim and affidavit of merit in defense, which must set out the essential facts upon which each side relies. The practice so prescribed was in use in the municipal court of Chicago in cases involving less than $1,000 and the success of the court during three years in disposing under this practice of the vast number of cases brought in the court prompted the extension of the practice to cases involving larger sums than $1,000.

The greatest change in the new practice, aside from abolishing technical pleadings, is found in the rules doing away with the so-called general denial commonly filed by the defendant, which naturally gives the plaintiff no notice whatever of the nature of the defense that will be set up at the trial. Such a pleading evidently serves no good purpose, and often results in hardships and injustice where the plaintiff is taken by surprise at the trial. Under the new rules the defendant will have to specifically deny each fact that the plaintiff alleges, and if he fails to do so, such fact will be taken to be admitted.

These rules enable the parties to have cases tried on the real merits and in accordance with the demands of justice. They embody some of the best features of the procedure of the English courts. In every pleading a certain amount of detail is necessary to ensure clearness and to prevent the other party being taken by surprise. In general there must be particulars sufficient to apprise the court and the other party of the exact nature of the question to be tried, and what these are will depend upon the facts in each case. It is surprising how succinctly can be stated by both the plaintiff and defendant the points of claim and the points of defense. That which is admitted need not be tried by the court; only the issue in dispute, thereby shortening the time of trial considerably.

Both under the common law and code pleading it has been necessary to state in the pleadings all the material facts constituting a cause of action, while under the simplified system in use in England to-day, only the nature of the cause of action needs to be stated. Here is a specimen pleading in a case for breach of promise to marry:

The plaintive has suffered damages by breach of promise of the defendant to marry her on the day of , (or within a reasonable time which elapsed before the action).
Defendant refused to marry the plaintiff on the day of
The plaintiff claims, etc.

Under the common law system the story of the plaintiff's cause of action would equal the length of this address.

SHOULD BE A COURT OF RECORD

Every court should be a court of record. The volume of business in the municipal court of a large city furnishes a problem in record writing if economy of operation is to be attempted, for in it is brought, in addition to the civil and criminal causes incident to the business and population of such a city, a vast number of cases growing out of violation of numerous city ordinances not known to exist until violated by a large number of our foreign born citizens who concentrate in the cities.

In such a court, improvements must be made in the ancient form of record writing. This question of writing and preserving records has ever been troublesome. Under the early common law it was the duty of the clerk of the court to enter upon the roll of the proceedings all of its orders, judgments and decrees. The proceedings of each day were so entered as to be read the next morning and then signed by the judge, very much as the minutes of each day's proceedings of a parliamentary body are read and approved. Under the later English practice, evidently because of the increase of business, the proceedings are seldom entered on the judgment roll unless it was absolutely necessary to do so for the purpose of bringing error or for the purpose of evidence, or the like. The judgment roll was on parchment and was deposited in the treasury of the court that it might be kept with safety and integrity. The judgment when thus entered upon the judgment roll was carefully preserved, but in most cases it was considered unnecessary to so enter it. The proceedings of the court were usually evidenced by slight memoranda. It is curious that the proceedings of courts of record which import verity and against the truth of which nothing can be alleged, should in so many cases be left to the uncertainties of slight memoranda. We find that even in Blackstone's time, speaking of the keeping of the record in criminal cases, he says that it was the usage for the judge to sign the calendar or list of all the prisoner's names with their separate judgments in the margin, which was left with the sheriff, and that for a capital offense it was written opposite to the prisoner's name "let him be hanged by the neck," formerly in the days of Latin an abbreviation "sus. per col." for "suspendatur per collum," and that this was the only warrant that the sheriff had for so material an act as taking away the life of another. He comments that it may certainly afford material for speculation that in civil causes there

should be such a variety of writs of execution to recover a trivial debt issued in the king's name and under the seal of the court, without which the sheriff could not legally stir one step, and yet that the execution of a man, the most important and terrible task of any should depend upon a marginal note.

Orders of court have heretofore been entered pursuant to three different methods. By the first method, a minute clerk took brief memoranda in court and turned them over to a record-writer to expand into complete orders, but which record-writer not having heard what transpired in court often misinterpreted such memoranda. Hence mistakes, new trials, appeals, delays and expense resulted. A second method was that of requiring counsel to prepare draft orders and present them to the court for approval and entry. Experience showed that this was unsatisfactory, for it was an unnecessary burden upon counsel to require them to prepare simple forms of orders when the court has or should have an approved standard or form. Counsel do not usually prepare a draft for entry until a decision of the court indicates the kind of order to be entered, or the court or clerk is consulted as to whether there is a fixed form, and then it is often hurriedly prepared in court, or it may be the result of a hurried compromise of opposing counsel in court trying to meet the decision just announced, all of which tend to inaccuracy and a method of procedure unique in each case. Orders may often be entered in a number of different forms, all having, as the courts may ultimately hold, the same legal effect, yet divergence in form may create divergence in opinion among counsel as to legal effect, and hence the loss of time of the courts in interpreting such orders.

A third method of entering orders is the abbreviated form method by which abbreviated orders have the same force and effect as if the orders were entered in full. Such methods are loose, and such records will often be called in question after the cases have been disposed of. None of these methods seem suited to the necessities of a court founded upon modern business methods.

In the municipal court of Chicago still a fourth method of writing orders has been devised. By it the chief justice of the court has prescribed certain amplified forms of orders and judgments, and for each form so amplified there was also provided an abbreviated form, so that whenever it is desired to make a record pursuant to this amplified form the clerk enters the same pursuant to the abbreviated form, the amplified form to constitute the order of judgment of the

court. The docket was dispensed with, and from the minute book or memorandum sheet there is written directly in the complete order book these orders in the prescribed abbreviated form. Whenever it is desired to use any record outside of the court the same is written in such amplified form and attested by the clerk. The orders of the court under this fourth method of writing do not admit of interpretation or construction in the light of extraneous matter, such as previous orders or files in a cause, which is so often done in the loose methods of abbreviating orders, but each order indicates with mathematical accuracy and in the exact form that has been appoved by precedent, in just what language the order of the court is to be. The orders in civil procedure in the municipal court have been written out in full, where they comprise 2,449 separate orders and are contained in two large volumes containing 2,125 typewritten pages, but by a system of condensing and systematic arrangement of the various parts of orders, the same orders have been condensed into 154 orders contained in 132 ordinary printed pages. Each one of the clerks is provided with a copy of this printed order book and from it he can select the orders directed to be entered. Those orders that are of unusual character must be written out in full from draft orders, but it is found that the order book covers most all of those found necessary. Instead of a great number of men being used as expert record-writers there are less than twenty copyists writing all the records of the court in 136,000 cases annually from the memorandum sheets delivered by the minute clerks. This system leads to accuracy and few practice questions are presented to appellate courts for review.

APPEALS

A municipal court should not only be a court of first instance in all cases, but appeals from its judgments should be by way of review of the record and not trials de novo. Courts of review should reverse only for substantial errors, affecting the merits, and not for errors of practice or procedure, unless injustice has been done.

JUDICIAL STATISTICS

Little attention seems to have been paid in the United States to the matter of keeping judicial statistics. Accurate statistics scientifically prepared are of the greatest importance in determining what recommendations for legislation, if any, shall be made, and in supply-

ing the data to public officials and others who may inquire into the conduct of judicial administration. Such statistics are highly beneficial to the judges of the court in bringing before them from time to time facts regarding the status of the work in the courts. Without such information no effective or concerted action for the improvement for the administration of justice can be invented.

Improvement in the administration of justice of both the civil and criminal law, will follow upon an accurate information and publicity regarding conditions under which the law is administered, and of society as revealed by the work of the courts.

In addition to the keeping of judicial statistics of the business of the court, a complete system for recording the data concerning criminals should be kept to embrace all the essentials for compiling complete criminal statistics along the lines of the recommendation of Committee A of the American Institute of Criminal Law and Criminology. Such data can only be collected in a court organized on modern business principles. Judicial statistics have been kept in the Municipal Court of Chicago from the first year of its organization. They have been perfected from time to time. The entire record of a criminal case in the municipal court of Chicago is written on a single page of a record book and shows:

(1) Manner of conducting proceedings, (by complaint or information).
(2) Offense charged.
(3) Date of offense and date of complaint or information.
(4) Pleas. Guilty (with statement of precise defense which plea admits. Not guilty and nolle contendere.
(5) Disposition other than by trial. (Information or complaint quashed, nolle prossed, dismissed because defendant was not apprehended, non-suit entered.
(6) Mode of trial (by court or by jury).
(7) Verdict. (In case of lesser offense than originally charged, a statement of lesser offense.)
(8) Character of sentence. (Whether executed or suspended.)
(9) Appeal and result.
(10) Institution to which sent.
(11) Whether fine was paid, and date of payment.
(12) Period of commitment for non-payment of fine.
(13) Date of release from imprisonment and reason therefore. (Pardon, vacation of sentence, payment of fine, termination of sentence.)

The following facts in addition regarding the social status of the defendant is recorded: Age, sex, color, race, birthplace, birthplace

of parent, conjugal conditions, education, occupation, citizenship and previous convictions.

The statistics of crime, although not an absolute index of the amount of crime in the city, as many offenders are never caught, or no proper effort is made to bring them before the court, the figures are correct so far as the records reveal: from them can be determined:

1. The growth or diminution of crime, and whether or not courts and police have contributed toward its suppression.
2. In what portions of the city any certain class of crime predominates.
3. Whether crime centers have moved or remained stationery.
4. Manner and efficiency in which the various branch courts perform their functions. Not only the methods by which the court deals with offenders, but who and of what sort the offenders are.
5. The amount of business transacted and the manner of its disposition by the various judges.
6. Whether or not public officials are active in instituting proceedings against offenders.

SOME RESULTS IN A COURT ORGANIZED ALONG THE ABOVE LINES

The act creating the municipal court of Chicago contains most of the provisions mentioned herein as desirable for a municipal court. It may be of some interest to note the results of four years of operation of such a court.

Following is a table of the suits filed and disposed of in different classes during the years, 1907-08-09-10:

	CIVIL	CRIMINAL	QUASI-CRIMINAL
1907			
Filed	37,104	15,079	45,535
Disposed of	30,877	13,755	44,472
1908			
Filed	49,002	10,187	56,698
Disposed of	46,845	10,467	56,742
1909			
Filed	47,113	10,057	62,019
Disposed of	48,490	10,130	61,871
1910			
Filed	48,267	9,559	70,703
Disposed of	48,549	9,825	70,479

The receipts and expenditures of the court for the four years were as follows:

	TOTAL RECEIPTS	EXPENDITURES
1907	$669,952.01	$650,721.95
1908	722,804.57	743,343.11
1909	700,401.58	738,691.16
1910	795,111.94	756,000.000

During the year 1910 there were disposed of in the court 87,922 criminal and quasi-criminal cases. Eighty per cent of these were disposed of within 24 hours of arrest and 90 per cent within two weeks.

During the year 1910, 48,267 civil suits were filed and 48,549 were disposed of. The average time in which these cases were tried from the day of the commencement of suit varied from five days in non-jury cases to two months in those in which there was a jury trial.

Money judgments were rendered as follows: 1907, $1,501,460.71; 1908, $3,268,361.94; 1909, $3,757,090.55; 1910, $3,593,683.40.

The number of arrests decreased about one-third the first year of the court. The following table will show the number of cases of felonies, misdemeanors and violations of city ordinances filed during the years 1907-08-09-10:

	FELONIES	MISDEMEANORS	VIOLATIONS CITY ORDINANCES
1906 J. P. Regime*	12,561*	8,908*	71,507*
1907	No record†	15,079	45,535
1908	8,249	10,187	56,698
1909	6,524	10,057	62,019
1910	7,701	9,559	70,073

*Compiled from Police Department figures. Approximately correct only.
†Not a court proceeding. Judges sat as examining magistrates.

The following table shows the number of cases appealed to the Appellate Court for the First District of Illinois during the four years from the institution of the Municipal Court to November 30, 1910:

Cases appealed			1,815
Affirmed	248		
Dismissed	489		
Supersedeas denied	66		
Stricken off	1		
Transferred to Supreme Court	5		
		809	
Reversed	222		
		1,031	
Pending		784	
			1,815

The percentage of reversals of the total number of cases appealed and disposed of during these four years was 21.5 per cent. When the total number of cases reversed is compared with the total number disposed of in the court—474,311—it will be seen that the percentage of reversals will be slightly less than one-tenth of one per cent.

These figures indicate that the great percentage of all the cases brought are finally terminated in the court of first instance.